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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Oliver Rottcher

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7590

03/31/2005

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EXAMINER

CRUZ, MAGDA

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/883,729

Applicant(s)

ROTTCHER, OLIVER

Examiner

Magda Cruz

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,9-16 and 21-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-24 is/are allowed.
- 6) ☒ Claim(s) 1,3-5,9-16 and 25-44 is/are rejected.
- 7) ☒ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "computer system for providing the information to the front panel" (claim 26), "the user switches eye focus between the information and the image to perceive one of the information and the image" (claim 29), "said room comprises a bathroom" (claims 30 and 38), "the information comprises one of news, an e-mail message, and an appointment calendar" (claims 32 and 39), "the user interface includes a graphical keyboard" (claims 33 and 40), "the user interface includes a character recognizer" (claims 34 and 41), "means for displaying the information to a user and reflecting an image of the user to the user; wherein said mirror is mounted in a room; and the means for displaying simultaneously displays the information and reflects the image" (claim 35), "the means for displaying is switchable between displaying the information and reflecting the image" (claim 36), "the user switches eye focus between the information and the image to perceive one of the information and the image" (claim 37), "a computer system for providing the information to the front panel; and a building wall, said mirror being coupled to said building wall" (claim 42), "wherein said user interface comprises at least one component selected from the group consisting of a graphical keyboard and a character recognizer" (claim 43) and "wherein the front panel is switchable between displaying the information and

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reflecting the image" (claim 44) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper

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dependent form, or rewrite the claim(s) in independent form. Claim 19 is dependent of claim 7, which has been canceled.

### ***Specification***

3. The disclosure is objected to because of the following informalities: the subject matter of claims 26-44 is not disclosed on the original specification.

Appropriate correction is required.

4. The amendment filed 01/14/2005 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material, which is not supported by the original disclosure, is as follows: the subject matter of claims 26-44 is not disclosed on the original specification.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 26-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention. The subject matter of claims 26-44 is not disclosed on the original specification.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 3-5 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Pastore.

Pastore (US Patent Number 4,588,267) discloses:

- Regarding claim 1, a mirror comprising a reflective surface (36), a non-reflective portion (14) provided within the reflective surface as an information provider (12), wherein at least a portion of the mirror surface is transparent for seeing therethrough (column 2, lines 28-31) and is backed by a display (14) provided with a moving image (i.e. image to be displayed; column 1, lines 10-15), whereby the display (14) is provided with an interchangeable item of information (column 1, lines 7-10).
- Regarding claim 3, the display (14) is provided with a colored image representation (column 3, lines 1-5).
- Regarding claim 4, the display is a flat screen (Figure 1).

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- Regarding claim 5, the display employs one of TFT and plasmas technologies (i.e. instruments that can be placed on the display area; column 1, lines 10-15; column 3, lines 1-5).
  - Regarding claim 9, the display (14) is connected to an input device (12).
  - Regarding claim 10, the input device (12) is an external input device (column 2, lines 34-45).
  - Regarding claim 11, the mirror surface (28) is part of a mirror insert (24), which is associated with a frame (20), which forms a mirror interior (Figure 2).
  - Regarding claim 12, the mirror surface (28) is part of a mirror attachment, which is fitted onto a frame (20) to form a mirror interior (Figure 2).
  - Regarding claim 13, the frame (20) delimits the mirror interior (Figure 2) and is connected to the mirror surface (28).
9. Claims 25-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Meine. Meine (US Patent Number 6,560,027 B2) discloses:
- Regarding claim 25, a mirror (Figure 1) comprising a reflective surface, a non-reflective portion (10) provided within the reflective surface as an information provider (column 1, lines 31-33), wherein at least a portion of the mirror surface is transparent for seeing therethrough and is backed by a display provided with a moving image (column 1, lines 49-58), including an integrated remote operating means for volume control (column 4, lines 57-60).

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- Regarding claim 26, a front panel that displays information to a user and reflects an image of the user to the user (column 5, lines 20-21); and a computer system for providing the information to the front panel (column 5, lines 22-23); wherein said mirror is mounted in a room (column 5, line 25).
- Regarding claim 27, the front panel is switchable between displaying the information and reflecting the image (column 5, lines 27-28).
- Regarding claim 28, the front panel simultaneously displays the information and reflects the image (column 5, lines 30-31).
- Regarding claim 29, the user switches eye focus between the information and the image to perceive one of the information and the image (column 5, lines 33-35).
- Regarding claim 30, said room comprises a bathroom (column 5, lines 36-37).
- Regarding claim 31, the front panel comprises a user interface that displays the information to the user (column 5, lines 39-40).
- Regarding claim 32, the information comprises one of news, an e-mail message, and an appointment calendar (column 5, lines 42-43).
- Regarding claim 33, the user interface includes a graphical keyboard (column 5, line 45).
- Regarding claim 34, the user interface includes a character recognizer (column 5, line 2).



- Regarding claim 35, a mirror comprising means for providing information (column 6, line 4); means for displaying the information to a user and reflecting an image of the user to the user (column 6, lines 5-6); wherein said mirror is mounted in a room (column 6, line 7); and the means for displaying simultaneously displays the information and reflects the image (column 6, lines 8-9).
- Regarding claim 36, means for displaying is switchable between displaying the information and reflecting the image (column 6, lines 11-12).
- Regarding claim 37, the user switches eye focus between the information and the image to perceive one of the information and the image (column 6, lines 15-17).
- Regarding claim 38, said room comprises a bathroom (column 6, lines 18-19).
- Regarding claim 39, the information comprises one of news, an e-mail message, and an appointment calendar (column 6, lines 21-22).
- Regarding claim 40, the means for displaying includes a graphical keyboard (column 6, line 24).
- Regarding claim 41, the means for displaying includes a character recognizer (column 6, line 26).
- Regarding claim 42, A mirror information system comprising a mirror comprising a front panel that displays information to a user and reflects an

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image of the user to the user (column 6, lines 27-30); and a computer system for providing the information to the front panel (column 6, lines 31-32); and a building wall, said mirror being coupled to said building wall (column 6, lines 33-34).

- Regarding claim 43, said front panel comprises a user interface that displays the information to the user (column 6, lines 35-37); and wherein said user interface comprises at least one component selected from the group consisting of a graphical keyboard and a character recognizer (column 6, lines 38-41).
- Regarding claim 44, the front panel is switchable between displaying the information and reflecting the image (column 6, lines 42-44).

### ***Allowable Subject Matter***

10. Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 21-24 are allowed.

### ***Response to Arguments***

12. Applicant's arguments filed 01/14/2005 have been fully considered but they are not persuasive.

13. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

14. The applicant has argued that the prior art does not teach, "at least a portion of the mirror surface is transparent for seeing therethrough and is backed by a display provided with a moving image". However, Pastore (US Patent Number 4,588,267) teaches such portion of the mirror surface (28) is transparent for seeing therethrough and is backed by a display (14) provided with a moving image (i.e. image to be displayed; column 1, lines 10-15).

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magda Cruz whose telephone number is (571) 272-2114. The examiner can normally be reached on Monday through Thursday 8:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**RODNEY FULLER**  
**PRIMARY EXAMINER**



Magda Cruz  
Patent Examiner  
March 28, 2005